

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of ICG Tele-)	
com Group, Inc.,)	
)	
Complainant,)	
)	
v.)	Case No. 97-1557-TP-CSS
)	
Ameritech Ohio,)	
)	
Respondent.)	
)	
Regarding the Payment of Reciprocal)	
Compensation.)	

ENTRY ON REHEARING

The Commission finds:

- (1) By Opinion and Order issued August 27, 1998, the Commission sustained a complaint filed by ICG Telecom Group, Inc. (ICG) against Ameritech Ohio. More specifically, the Commission determined that, based upon the terms of the agreement at the time that the contract was entered into by the parties, it is reasonable to believe that the traffic in question is local traffic and, thus, subject to the reciprocal compensation provisions of the involved interconnection agreement. Consequently, as a result of the Commission's August 27, 1998 Opinion and Order, Ameritech Ohio was directed to reinstitute the payment of reciprocal compensation and distribute to ICG with interest, within 60 days of the order, the payments held in escrow.

- (2) On September 28, 1998, Ameritech Ohio filed an application seeking rehearing of the Commission's August 27, 1998 Opinion and Order. Ameritech Ohio argues on rehearing that the Commission misinterpreted the interconnection agreement between Ameritech Ohio and ICG; that the Commission's decision is inconsistent with both general Federal Communications Commission (FCC) precedent regarding the determination of call jurisdiction and specific FCC precedent relating to the jurisdictional nature of internet calls; and that the Commission's decision is inconsistent with the Telecommunications Act of 1996. Should rehearing ultimately be

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business. *98*
 Technician *Don Schuyler* Date Processed *10/23*

denied, Ameritech Ohio requests a temporary stay of the directive to pay ICG the disputed amounts in order to afford Ameritech Ohio with an opportunity to obtain a judicial ruling on the motion for stay. Ameritech Ohio will file concurrently with its appeal.

- (3) At this time, the Commission deems it appropriate to grant rehearing for the limited purpose of affording us more time to consider the arguments raised in Ameritech Ohio's September 28, 1998 application for rehearing. Moreover, pending a decision on the merits being issued on the application for rehearing, Ameritech Ohio is relieved of the obligation to distribute the funds held in escrow. Ameritech Ohio should, however, continue to escrow and accrue interest on the funds associated with reciprocal compensation for ISP traffic pending our substantive decision on rehearing.

It is, therefore,

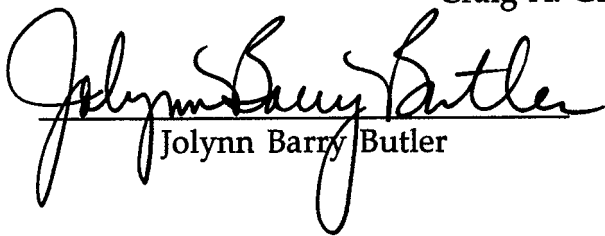
ORDERED, That, in accordance with the above finding, rehearing is granted for the limited purpose of affording the Commission more time to consider the arguments raised in Ameritech Ohio's September 28, 1998 application for rehearing. It is, further,

ORDERED, That Ameritech Ohio comply with Finding (3). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Craig A. Glazer, Chairman

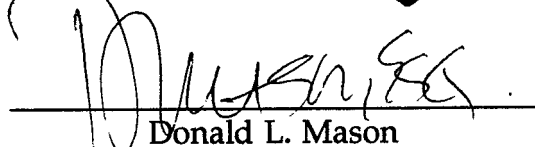


Jolynn Barry Butler



Ronda Hartman Fergus

Judith A. Jones



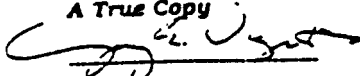
Donald L. Mason

JRJ;geb

Entered in the Journal

OCT 22 1998

A True Copy



Gary E. Vigorito
Secretary

CASE NUMBER 97-1557-TP-CSS
CASE DESCRIPTION ICG TELECOM/AMERITECH OHIO
DOCUMENT SIGNED ON October 22, 1998
DATE OF SERVICE _____

PERSONS SERVED

PARTIES OF RECORD

ATTORNEYS

APPLICANT

ICG TELECOM GROUP, INC.
J. CARL JACKSON, JR.
50 GLENLAKE PARKWAY SUITE 500
ATLANTA, GA 30328

BOYD B. FERRIS
MULDOON & FERRIS
2733 W. DUBLIN-GRANVILLE ROAD
COLUMBUS, OH 43235-4268

INTERVENOR

NONE

Michael B. Bressman
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo
701 Pennsylvania Ave., N.W., S-900
Washington, DC 20004-2608

INTERVENOR

AT&T COMMUNICATIONS OF OHIO, INC.
65 EAST STATE STREET
SUITE 1500
COLUMBUS, OH 43215

BENITA A. KAHN
VORYS, SATER, SEYMOUR AND PEASE
52 E. GAY STREET
P.O. BOX 1008
COLUMBUS, OH 43216

INTERVENOR

BROOKS FIBER COMMUNICATIONS OF
OHIO, INC., FRANK T. GARDELLA
2800 RIVER ROAD, SUITE 490
DES PLAINES, IL 60018

SALLY W. BLOOMFIELD
BRICKER & ECKLER
100 SOUTH THIRD STREET
COLUMBUS, OH 43215

INTERVENOR

GTE NORTH INCORPORATED
PATRICIA COOK, REGULATORY AFFAIRS
100 EXECUTIVE DR.
MARION, OH 43302

WILLIAM KEATING
STATE GENERAL COUNSEL
GTE NORTH, INC.
100 EXECUTIVE DRIVE
MARION, OH 43302

WILLIAM H. KEATING
GTE NORTH, INC.
100 EXECUTIVE DRIVE
MARION, OH 43302

Yaron Dori
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo
701 Pennsylvania Ave, N.W., Ste 900
Washington, DC 20004-2608

INTERVENOR

MCI TELECOMMUNICATIONS CORPORATION
DARRELL S. TOWNSLEY
205 N. MICHIGAN AVE. SUITE 3700
CHICAGO, IL 60601

Jane Van Duzer
MCI Telecommunications Corporation
205 N. Michigan Ave., Suite 3700
Chicago, IL 60601

INTERVENOR

MCIMETRO ACCESS TRANSMISSION
DARRELL S. TOWNSLEY, SEN ATT
205 N. MICHIGAN AVE.
CHICAGO, IL 60601

JUDITH B. SANDERS
BELL, ROYER & SANDERS CO., L.P.A.
33 SOUTH GRANT AVENUE
COLUMBUS, OH 43215-3927

MATTHEW H. BERNS
MCI TELECOMMUNICATIONS CORP.
205 NORTH MICHIGAN AVENUE
CHICAGO, IL 60601

INTERVENOR

TCG OHIO
MADELON KUCHERA
233 S. WACKER DR. SUITE 2100
CHICAGO, IL 60606

DOUGLAS W. TRABARIS
TCG AMERICA, INC.
233 S. WACKER DRIVE
SUITE 2100
CHICAGO, IL 60606

INTERVENOR

TIME WARNER TELECOM OF OHIO, L.P.
MARSHA SCHERMER, VICE PRESIDENT
65 EAST STATE STREET SUITE 1800
COLUMBUS, OH 43215

NONE

ROGER P. SUGARMAN
KEGLER, BROWN, HILL & RITTER
65 EAST STATE STREET, SUITE 1800
COLUMBUS, OH 43215-4294

MARSHA ROCKEY SCHERMER
TIME WARNER COMMUNICATIONS
REGULATORY AFFAIRS
65 EAST STATE STREET SUITE 1800
COLUMBUS, OH 43215

INTERVENOR

TOLEDO AREA TELECOMMUNICATIONS
SERVICES DBA BUCKEYE TELESYSTEM
5566 SOUTHWYCK BLVD.
TOLEDO, OH 43614-1578

STEPHEN M. HOWARD
VORYS, SATER, SEYMOUR AND PEASE
52 EAST GAY STREET
P.O. BOX 1008
COLUMBUS, OH 43216-1008

INTERVENOR

VAUGHNSVILLE TELEPHONE COMPANY INC
P.O. BOX 67
VAUGHNSVILLE, OH 45893

THOMAS E. LODGE
THOMPSON, HINE AND FLORY
ONE COLUMBUS
10 WEST BROAD ST., SUITE 700
COLUMBUS, OH 43215-3435

RESPONDENT

AMERITECH OHIO
JON F. KELLY
150 E. GAY STREET ROOM 4-C
COLUMBUS, OH 43215

NONE

MICHAEL T. MULCAHY
ATTORNEY AT LAW
OHIO BELL TELEPHONE COMPANY
45 ERIEVIEW PLAZA, SUITE 1400
CLEVELAND, OH 441147

DANIEL R. CONWAY
PORTER, WRIGHT, MORRIS & ARTHUR
ATTORNEYS AT LAW
41 SOUTH HIGH STREET
COLUMBUS, OH 43215

MARK S. STEMME
PORTER WRIGHT MORRIS & ARTHUR
41 SOUTH HIGH STREET
COLUMBUS, OH 43215

DANIEL R. CONWAY
PORTER, WRIGHT, MORRIS, ARTHUR
41 S. HIGH STREET
COLUMBUS, OH 43215

RESPONDENT

TIME WARNER TELECOM OF OHIO, L.P.
MARSHA SCHERMER, VICE PRESIDENT
65 EAST STATE STREET SUITE 1800
COLUMBUS, OH 43215

LEIGH A. REARDON
KEGLER, BROWN, HILL & RITTER
65 E. STATE STREET
SUITE 1800
COLUMBUS, OH 43215-4294

----- INTERESTED PARTIES -----

NONE

BRUCE WESTON
ATTORNEY AT LAW
169 W. HUBBARD AVE.
COLUMBUS, OH 43215

MADELON KUCHERA
TCG COMMUNICATIONS
233 S. WACKER SUITE 2100
CHICAGO, IL 60606

NONE